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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,255	08/28/2001	Robert L. Ashlock	3927P002	6006

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EXAMINER
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KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/941,255

Applicant(s)

ASHLOCK ET AL.

Examiner

Chuck Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/22/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the application filed 08/28/01.
2. Claims 1 – 20 are pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3 – 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Schurr et al.  
USPN 6,021,158.

Regarding claim 1, Schurr anticipates a media adapter for coupling a networking device to a power line, the media adapter comprising:

a physical layer to be coupled to the power line (10: 30 – 40, see telephone and Mid band digital subscriber line, MDSL);

a medium access control (MAC) layer in communication with the physical layer (7: 65 – 67); and

an inter-working unit in communication with the MAC layer, the inter-working unit to translate information from a first format into a second format differing from the first format to enable information to be received and transmitted over the power line (11: 57 – 67, see RF, IF and low carrier frequency).

Regarding claim 3, the media adapter of claim 1, wherein the inter-working unit translates voice routed over at least one HomePlug frame into audio signals recognized by

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a Plain Old Telephone System (POTS) interface (Schurr, 16: 30 – 40, see POTS and communication with another voice band modem).

Regarding claim 4. The media adapter of claim 1, wherein the inter-working unit translates data routed over at least one HomePlug frame into data placed in an Ethernet Frame (Schurr, 16: 33 – 37, see Ethernet).

Regarding claim 5, the media adapter of claim 4, further comprising a medium access control (MAC) layer and a physical layer to support Ethernet-based communications (7: 65 – 67, also see 16: 32 – 36, for ethernet).

Regarding claim 6, the media adapter of claim 5, further comprising an access point coupled to the physical layer supporting Ethernet-based communications, the access point to transmit signal to the networking device over a wireless communication path (12: 35 – 43).

Regarding claim 7, the media adapter of claim 1, wherein the inter-working unit translates voice routed over at least one HomePlug frame into radio frequency signals transmitted by a transceiver integrated within the media adapter (11: 55 – 67, see digitized signals which are up converted and received as radio frequency before further translation).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 8 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schurr et al. USPN 6,021,158 in view of Czerwiec et al. USPN 6,314,102 B1.

Regarding claim 2, Schurr discloses all the claimed limitations as applied in claim 1 above. Schurr doesn't explicitly disclose wherein the power line is electrical wiring supporting an alternating current. Schurr does disclose the system using a home pc or a set top box (2: 20 – 25) and a ADSL modem. Czerwiec discloses in a similar configuration an AC/DC power

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supply that converts the high voltage from the wall outlet to a voltage that can be handled by the ADSL modem (20: 22 – 30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Schurr and Czerwiec because, using an alternating current is generally the power supply of choice for home and electrical appliances and hence would make the system more compatible .

Regarding claim 8, Schurr discloses a network comprising: a gateway in communication, the gateway including a first inter-working unit to translate information of a first format received from a remote source into information of a second format (11: 57 – 67, see RF, IF and low carrier frequency), and including a second inter-working unit to translate the information of the second format into information of a third format (11: 57 – 67, see RF, IF and low carrier frequency). Schurr does disclose the system using a home pc or a set top box (2: 20 –25) and a ADSL modem. Czerwiec discloses in a similar configuration an AC/DC power supply that converts the high voltage from the wall outlet to a voltage that can be handled by the ADSL modem. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Schurr and Czerwiec because, using an alternating current is generally the power supply of choice for home and electrical appliances and hence would make the system more compatible.

Regarding claim 9, the network of claim 8, wherein the information of the first format is data transmitted over any type of Digital Subscriber Line (for xDSL, see Schurr, 11: 65 – 12:5, for DSL, VDSL or MDSL).

Regarding claim 10, the network of claim 9, wherein the information of the second format is data transmitted through one or more HomePlug frames (Schurr, 11: 60 – 12: 5).

Regarding claim 11, the network of claim 10, wherein the information of the third format is data transmitted in accordance with an Ethernet format (Schurr, 12: 45 – 50).

Regarding claim 12, the network of claim 8, wherein the first inter-working unit is software executed by a processor that translates extracts payload data from a HomePlug frame and produces a packet for transmission in accordance with a Wireless Local Area Network (WLAN) standard (Schurr, 11: 25 – 28, see Wide area network).

Regarding claim 13, which recites the method version of claim 8, see rationale as previously discussed above.

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Regarding claim 14, which recites the method version of claim 10, see rationale as previously discussed above.

Regarding claim 15, the method of claim 13, wherein the information is voice (Schurr, 11: 31 – 35).

Regarding claim 16, which recites the method version of claim 11, see rationale as previously discussed above.

Regarding claim 17, the method of claim 13, wherein the information having the second format is radio frequency (RF) signaling that differs in data structure from the information having the first format (Schurr, 11: 64 – 67).

Regarding claim 18, the method of claim 13, wherein the power line is alternating current electrical wiring (Schurr, Czerwiec, 20: 22 – 30).

Regarding claim 19, which recites the software version of claim 8, see rationale as previously discussed above.

Regarding claim 20, the software of claim 19, wherein the second software module is adapted to translate both (i) data and (ii) voice carried over the power line (Schurr, 16: 58 – 63 see voice or data).

### *Conclusion*

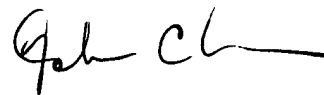
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 703 308-6608. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 703 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.



JOHN CHAVIS  
PATENT EXAMINER  
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